

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv79**

<b>NATIONAL ALLIANCE FOR ACCESSIBILITY, INC.,)</b>	<b>)</b>	
<b>A Florida Non-Profit Corporation; and</b>	<b>)</b>	
<b>DENISE PAYNE, individually,</b>	<b>)</b>	
	<b>)</b>	
<b>Plaintiffs,</b>	<b>)</b>	
	<b>)</b>	
<b>vs.</b>	<b>)</b>	
	<b>)</b>	
<b>BHUNA CORPORATION, a North Carolina</b>	<b>)</b>	
<b>corporation,</b>	<b>)</b>	
<b>Defendant.</b>	<b>)</b>	
<hr/>		<b>)</b>

**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss pursuant to FRCP Rule 12 [Doc. 11].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider this Motion and to submit recommendations for its disposition.

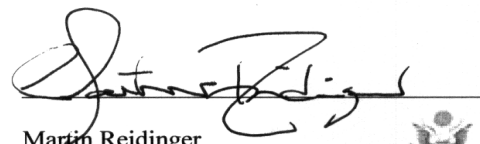
On December 9, 2011, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 25] in which he recommended granting the motion to dismiss. The parties were advised that any objections to the Magistrate

Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Id., at 13]. The period within which to file objections expired on December 27, 2011<sup>1</sup> and no written objections to the Memorandum and Recommendation have been filed.

Having conducted a review, the Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation and dismisses this action.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Dismiss pursuant to FRCP Rule 12 [Doc. 11] is hereby **GRANTED** and this action is hereby **DISMISSED**.

Signed: December 30, 2011

  
Martin Reidinger  
United States District Judge



---

<sup>1</sup>Monday, December 26, 2011 was a federal holiday.